

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EDGAR J. DIETRICH,

Plaintiff,

v.

PETER K. TIERNAN, M.D.,

Defendant.

Case No. 15-13559

Honorable John Corbett O'Meara

ORDER GRANTING DEFENDANT'S MOTION TO DISMISS

This matter came before the court on defendant Peter K. Tiernan's January 12, 2016 motion to dismiss the complaint. Plaintiff Edgar J. Dietrich filed a tardy response February 26, 2016. No reply was filed, and no oral argument was heard.

In various ways, Plaintiff's complaint seeks to enjoin a receivership that was created by the August 26, 2013 order of the Wayne County Circuit Court and to award damages for any actions which were taken pursuant to and under the authority of that order. This would require this court to overrule the state court receivership order, relief that is prohibited by the Rooker-Feldman Doctrine. See Rooker v. Fidelity Trust Co., 263 U.S. 414 (1923) and District of Columbia Court of Appeals v. Felman, 460 U.S. 462 (1983). "In both cases, the losing party in state court filed suit in federal court after the state proceeding ended, complaining of an injury caused by the state-court judgment and seeking review and rejection of that judgment." Exxon and Mobile Corp. v. Saudi Basic Indus. Corp., 544 U.S. 280, 291 (2005). Federal district courts do not have jurisdiction "to exercise appellate jurisdiction over state-court judgments." Id. This case fits squarely within that description.

Therefore, it is hereby **ORDERED** that defendant Tiernan's January 12, 2016 motion to dismiss is **GRANTED** for lack of jurisdiction.

s/John Corbett O'Meara
United States District Judge

Date: April 12, 2016

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, April 12, 2016, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager